

Public Defender Study

Legislative Fiscal Division



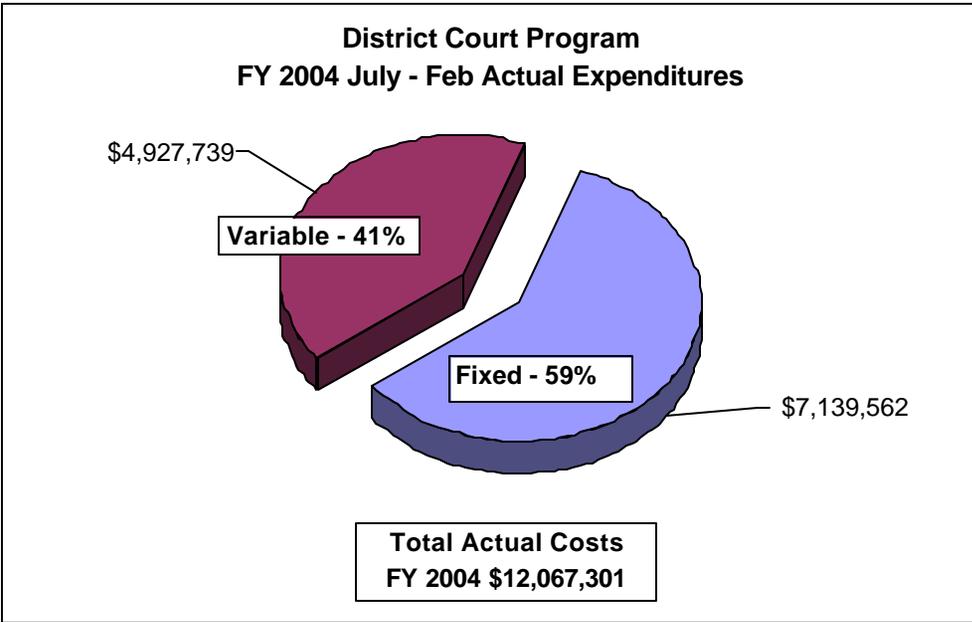
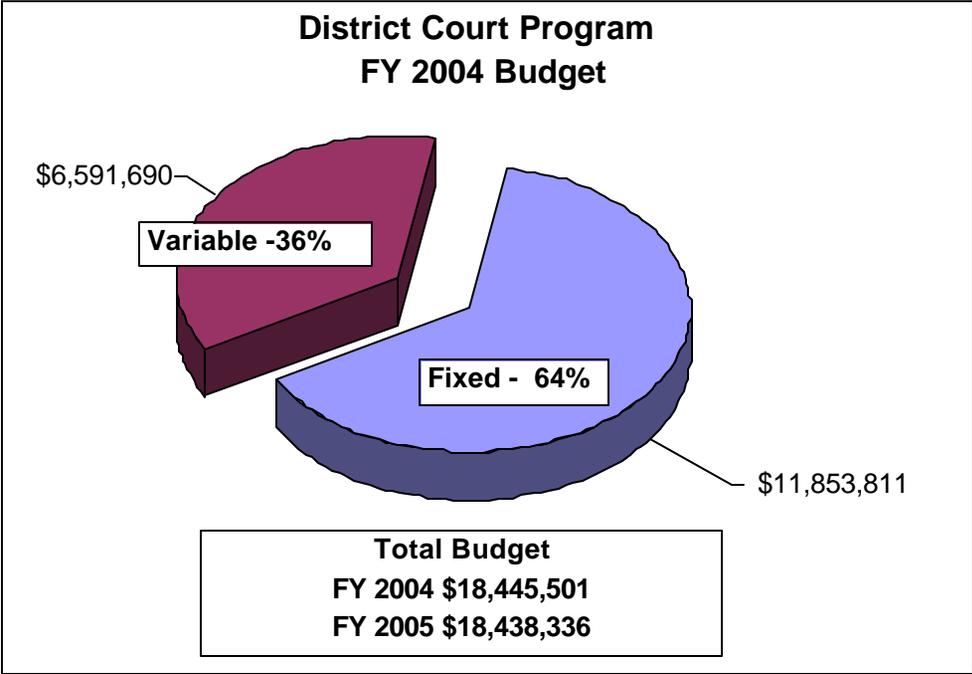
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Purpose

This information is provided as a response to a request from the Law and Justice Interim Committee's (LJIC) research staff to carve out, to the extent possible, from the overall District Court program those costs associated with the state's current public defender program.

District Court Program Costs

- Public Defender costs are paid from the District Court Program.
- District Court Program's costs are classified as fixed and variable.
- For the period of July 1 – December 31, 2003:
 - Fixed Costs were \$5.3 million.
 - Variable Costs were \$3.2 million.
- Public Defender costs are variable costs.



Fixed vs. Variable Costs

Fixed Costs include

- Personal Services
- Operating costs
 - Office Supplies
 - Telephone
 - Office Equipment
 - Some Contracted Services

Variable costs include

- Indigent defense costs
 - Contracted/Appointed Attorney Fees
 - Public Defender Offices
 - Evaluations
 - Transcripts
 - Private investigators
- Juror fees & expenses
- Witness fees & expenses

District Court's Current Situation

- Based upon the current expenditure rate, the Judiciary predicts a \$3.4 million overrun during fiscal year 2004.
 - Fixed cost overrun = \$500,000.
 - Variable cost overrun = \$2,900,000.
- Without permanent mitigation efforts similar overruns of \$3.4 million can be expected during fiscal year 2005.

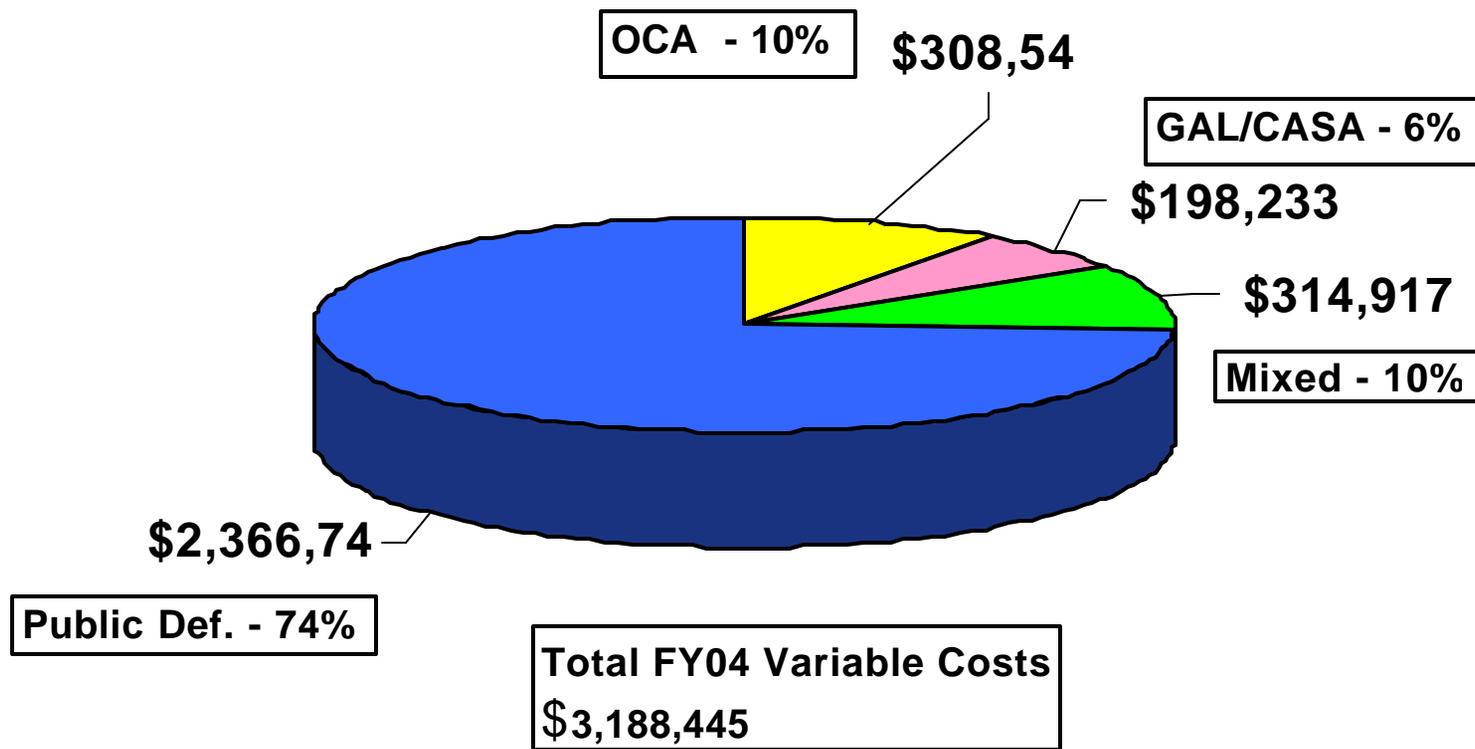
Public Defender Costs July 1 – Dec 31, 2003

- The total variable costs were \$3.2 million.
 - Public Defender costs were \$2.4 million.
 - Office of the Court Administrator (OCA) costs were \$0.3 million.
 - GAL/CASA costs were \$0.2 million.
 - Mixed costs were \$0.3 million.

Mixed Costs

- Mixed costs are Public Defender and Non-Public Defender costs in the same expense category.
- These costs must be allocated to Public Defender and Non-Public Defender areas.
- The assumption used for this study was:
 - 20% are Non-Public Defender (stay at OCA)
 - 80% are Public Defender

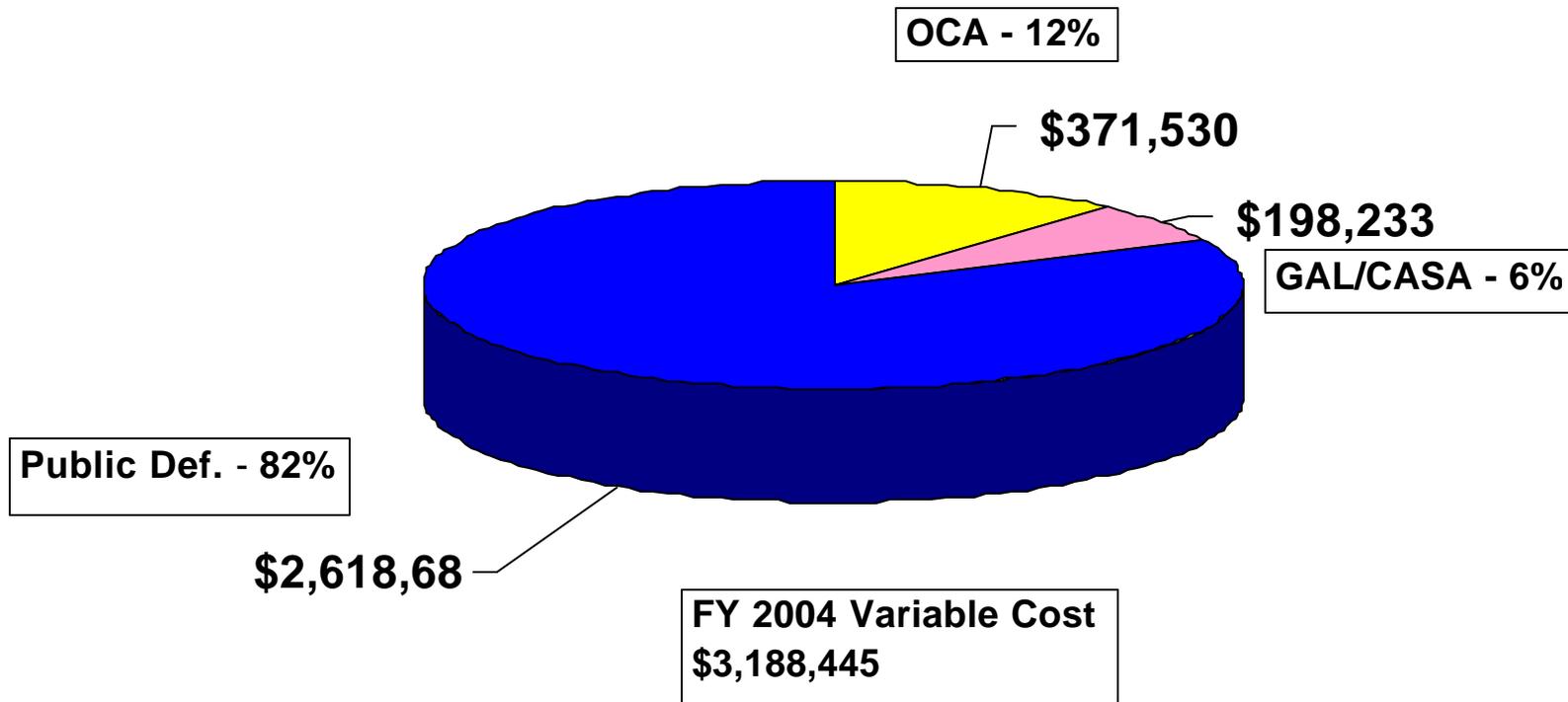
**District Court Program FY 2004
July 1 - December 31, 2003
Costs By Public Defender & Non-Public Defender**



Public Defender Costs After Allocation Of Mixed Costs

- Public Defender Costs were \$2.6 million.
- OCA costs were \$0.4 million.
- GAL/CASA were \$0.2 million.

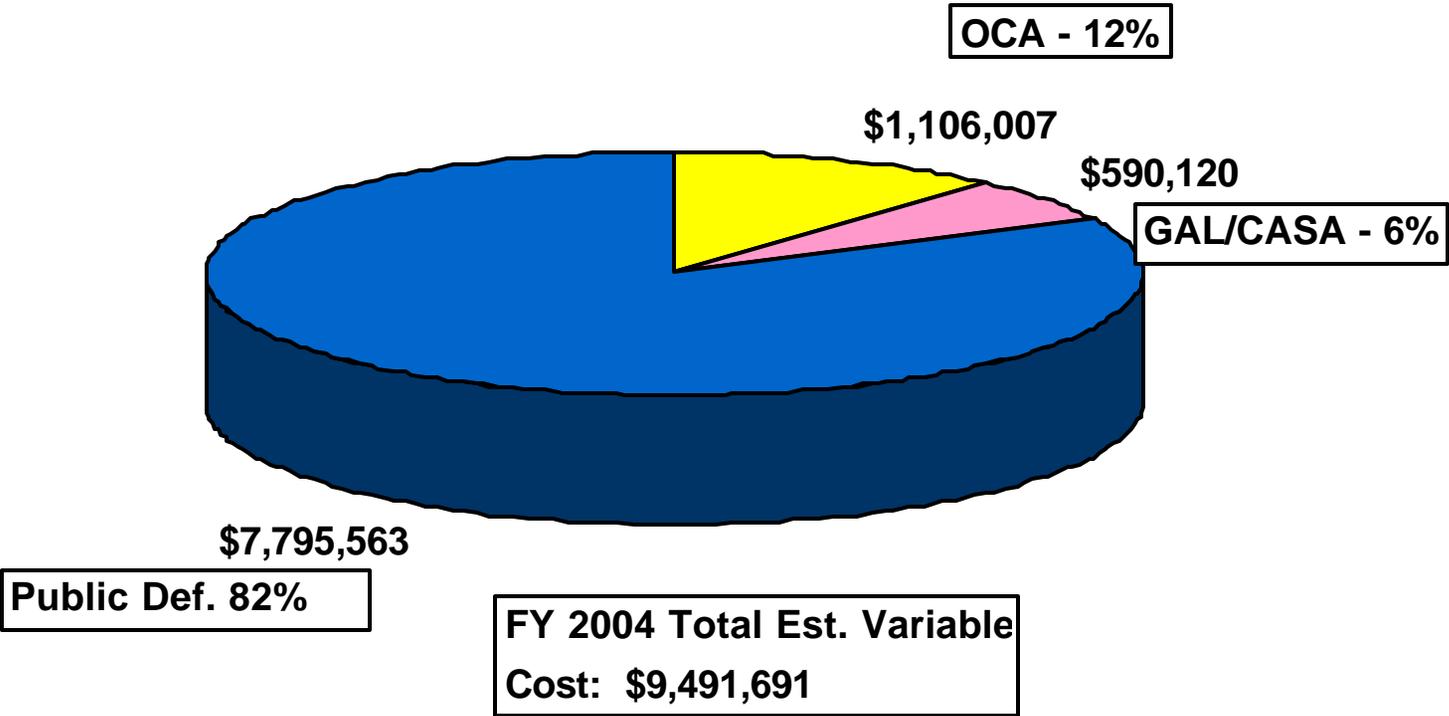
**District Court Program FY 2004
Total Variable Costs
July - December 31, 2003**



Public Defender Cost Estimates for FY 2004

- FY 2004 Variable Budget is \$6.6 million.
- Anticipated overruns are \$2.9 million.
- Projected variable costs with overruns is \$9.5 million.
- Public Defender portion is estimated at \$7.8 million or 82% of total variable costs.

District Court Program FY 2004 Estimated Total Costs

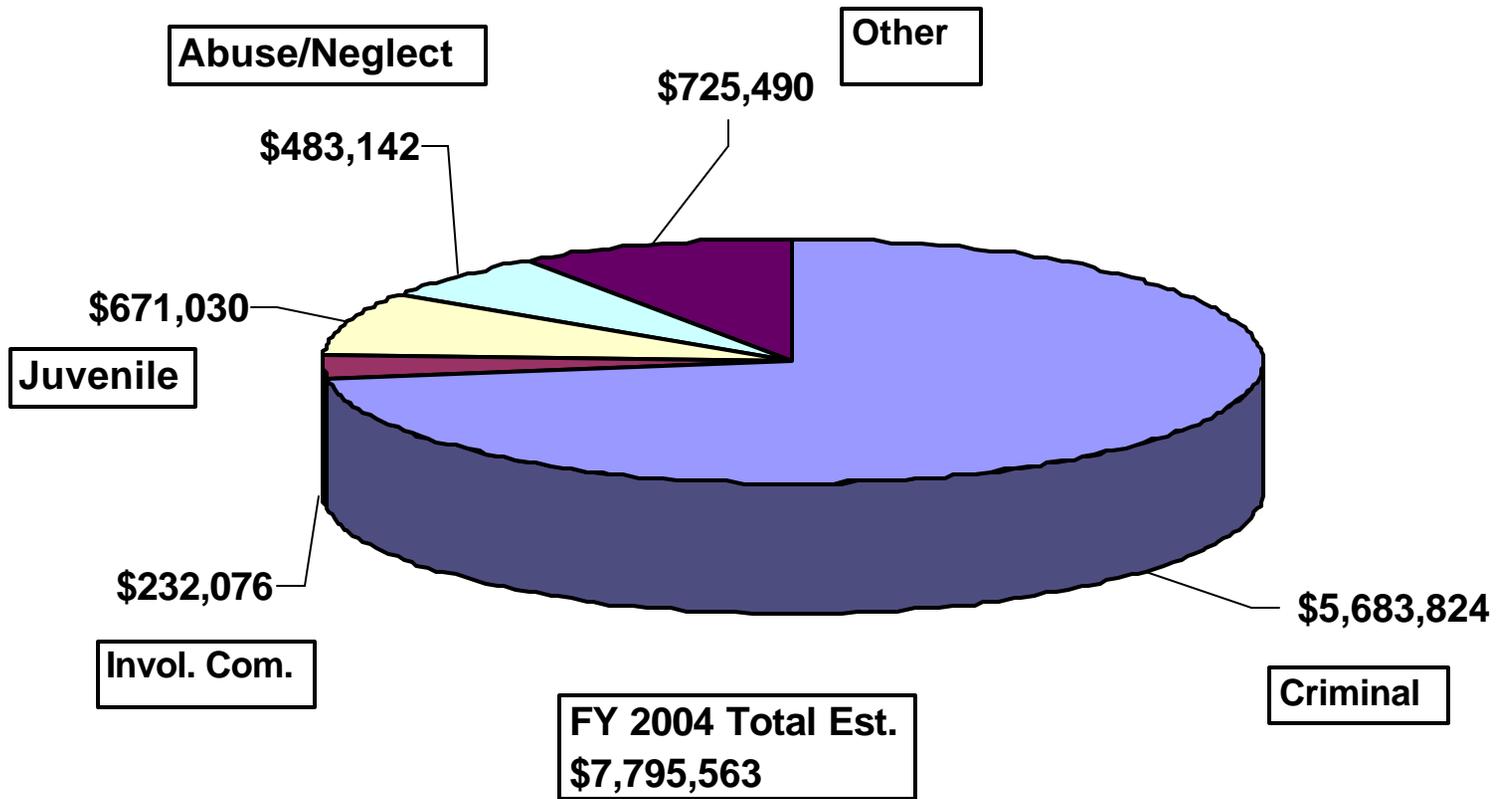


Public Defender Cost By Case Type

- Criminal – 73%
- Juvenile – 9%
- Abuse and Neglect (YINC) – 6%
- Involuntary Commitment – 3%
- 9% of the costs could not be identified by case type.

Public Defender By Case Type

Estimated FY 2004 From July 1 - December 31



Public Defender Costs by Service Type

- Appointed Attorneys – 51% of total costs
- Public Defender Offices – 26%
- Contracts with Attorneys – 10%
- Other Costs, including investigators witness fees, transcripts, and evaluations – 13%

Public Defender By Service Type Estimated FY 2004 Total Expenditures

